

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

)

)

Plaintiff,

)

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vs.

)

Case No. 08-0179-01-CR-W-GAF

)

JESUS VALLE,

)

)

Defendant.

)

ORDER

Now pending before the Court is Defendant's motion pursuant to 18 U.S.C. § 4241 for a determination of the mental competency of the defendant to stand trial. The Court entered an Order pursuant to 18 U.S.C. §4241(b) directing that a psychological or psychiatric examination of the Defendant be conducted and that a psychological or psychiatric report be filed with the Court. The Court received the psychological or psychiatric report of Dr. Christina A. Pietz which concluded that the Defendant is competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

On May 8, 2009, United States Magistrate Judge John T. Maughmer conducted a hearing for the purpose of determining the mental competency of the Defendant to stand trial. At the hearing, counsel for the government and for the Defendant stipulated that the Court could consider the psychological or psychiatric report of Dr. Pietz as if Dr. Pietz had appeared in person and testified under oath.

Upon careful and independent review of the record, as well as the applicable law, and there being no objections filed to the Report and Recommendation, this Court hereby adopts and

incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge John T. Maughmer.

Accordingly, it is

ORDERED that Defendant Jesus Valle is found to be competent to understand the nature and consequence of the proceedings against him and to assist properly in his defense.

s/ Gary A. Fenner

Gary A. Fenner, Judge
United States District Court

DATED: July 17, 2009